

Report to: General Committee Report Date: Nov 19, 2012

**SUBJECT**: Glenbourne and Glenridge Communities Sanitary Sewer System – Fees By-law

PREPARED BY: Prathapan Kumar, Ext. 2989

Paul Wealleans, Ext. 4734

### **RECOMMENDATION:**

1) THAT the report entitled "Glenbourne and Glenridge Communities Sanitary Sewer System - Fees By-law" be received;

- 2) AND THAT Council enact a Fees By-law pursuant to Section 391 of the *Municipal Act*, 2001 for costs associated with the sanitary sewer system;
- 3) AND THAT the Finance Department be authorized to collect the total project costs for the Glenbourne and Glenridge Communities Sanitary Sewer System from the sixty eight (68) property owners of Glenbourne and Glenridge Communities (as set out in the Fees By-law);
- 4) AND THAT the costs per lot be paid either as a one-time payment or annually up to a maximum of 10 years accruing interest at the same rate as the Region of York 10 Year Debenture Rate, 5.1% calculated annually in advance;
- 5) AND THAT all outstanding amounts be added to the tax account of each property owner;
- 6) AND THAT the collected funds be reimbursed to the Waterworks Stabilization Capital Reserve;
- 7) AND THAT Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **EXECUTIVE SUMMARY:**

Not Applicable

#### **PURPOSE:**

The purpose of this report is to seek Council's approval to include the recovery of the costs of the Glenbourne and Glenridge Communities Sanitary Sewer System from the benefiting property owners in the Fees By-law.

#### BACKGROUND:

The Glenbourne and Glenridge Area is located south of Major Mackenzie Drive and east of Warden Avenue (Attachment "A"), and includes Glenbourne Park Drive, Scandia Court, Glenhollow Court, Glenmaple Court, Glenridge Drive, and Walnut Glen Place. Residents within this area are served by individual septic systems.

The Glenbourne and Glenridge Area are separated into three groups based on the type of municipal sanitary sewer system:

Group 1 Area (6 properties) North of walkway	-	Construction of a gravity sewer system (Completed, report will be submitted in 2013 by Engineering)
Group 2 Area (68 properties) South of walkway	_	Construction of a low pressure sewer system (LPS) - forcemain (Completed)
Group 3 Area (9 properties) North of walkway	-	Gravity service connections to the existing gravity sewer constructed by the Angus Glen Developer

On April 28, 2009, Council authorized staff to proceed with the construction of the Glenbourne and Glenridge Communities Sanitary Sewer System for Group 2 Area, subject to getting support from two-thirds of the lot owners within Group 2, and recover the costs in accordance with a fees by-law enacted pursuant to Section 391 of the *Municipal Act, 2001*. The City received support from 71% of lot owners by the end of June 2009 (Attachment "C") and the construction contract was awarded in July 2009. The Council directed that the total project cost, including the costs for construction, engineering, contract administration, and any other project related costs, was to be shared equally by the sixty eight (68) benefiting property owners.

### **OPTIONS/ DISCUSSION:**

### Fees By-law

According to Section 391 of the *Municipal Act*, 2001, Council is required to enact a fees by-law to recover the front-ended costs from the benefiting property owners. A fees by-law may provide for interest charges and other penalties for fees that are due and unpaid. Fees may be added to the tax roll and collected in the same manner as taxes (under Subsection 398(2) of the *Municipal Act*, 2001).

The Fees By-law may provide the residents with the option of paying the full amount either as a one-time payment or annually up to a maximum 10 years with interest payable at the same rate as the 10 Year Region of York Debenture Interest Rate. The rate is 5.1% and payment in full of the outstanding balance plus accrued interest would be permitted at anytime.

### **Final Project Cost Breakdown:**

Description	Final Actual Project Cost
Construction Cost	\$396,085.00
Add: Construction Contingency	\$1,545.52
Sub Total	\$397,630.52
Add: Engineering Design Fees	\$70,226.00
Add: Contract Administration Fees	\$52,626.00
Add: Contract Administration Fees - Contingency	\$3,496.25
Add: Geotechnical Investigation during construction phase	\$2,296.50
Add: Legal Survey during construction phase	\$1,150.00
Total Construction Cost	\$527,425.27

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Add: Project Management by Town Staff (6% of total const.)	\$31,645.52
Total Project Costs	\$559,070.79
Cost Sharing for Per Lot (rounded up)	\$8,222.00

#### FINANCIAL CONSIDERATIONS AND TEMPLATE:

The Glenbourne and Glenridge Communities Sanitary Sewer System project was funded upfront from the Waterworks Stabilization/Capital Reserve, based on the approved budget of \$616,078. The final project cost was \$559,070.79, primarily due to lower than anticipated construction contingency requirements (projected 15% of construction costs vs. actuals of 0.4%). The final project cost will be recovered from residents in accordance to a Fees By-law pursuant to Section 391 of the *Municipal Act, 2001*. All costs recovered from the property owners are to be credited back to the Waterworks Stabilization Capital Reserve. The remaining balance of \$57,007.21 (\$616,078.00 - \$559,070.79) will be returned to the original funding source.

Based on final actual costs, the cost per lot for the Glenbourne and Glenridge Communities Sanitary Sewer System is \$8,222.00. The residents have the option of paying the full amount either as a one-time payment or annually up to a maximum 10 years with interest payable at the same rate as the 10 Year Region of York Debenture Interest Rate. The rate is 5.1% Payment of any outstanding balance plus accrued interest would be permitted at any time. Any outstanding amounts will be added to the tax account of each property owner

### **HUMAN RESOURCES CONSIDERATIONS:**

Not applicable

#### **ALIGNMENT WITH STRATEGIC CONSIDERATIONS:**

Eliminating the existing septic system and replacing with the sanitary sewer system will reduce the sulphur loading in soil and water in the nearby areas and enhance the overall environment.

### **BUSINESS UNITS CONSULTED AND AFFECTED:**

The Finance and Legal Departments have been consulted, provided input and reviewed this report.

### **RECOMMENDED:**

22/11/2012

11/22/2012

Gary Adamkowski

Director of Asset Management

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Brenda Librecz

Commissioner, Community & Fire Services

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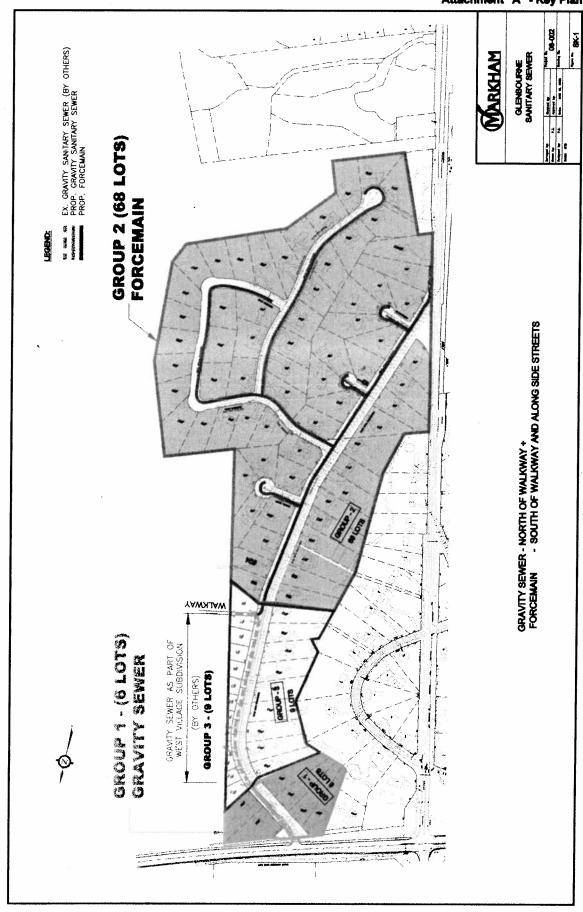
Report Date: Nov 19, 2012

## **ATTACHMENTS:**

Attachment "A" - Key Plan

Attachment "B" - Draft Fees By-law - Glenbourne and Glenridge Communities Sanitary Sewer System

Attachment "C" - Original Cost Sharing agreed among the residents



# Draft By-law – Glenbourne and Glenridge Communities Sanitary Sewer System Fees By-law BY- LAW 2012 –

Being a By-law to levy the actual	cost of construction	of the sanitary se	wer in the Glent	ourne
and Glenridge Communities				

WHEREAS paragraph 391(1)(a) of the *Municipal Act*, 2001 provides that a municipality may pass a by-law for imposing fees or charges or activities provided by or done on behalf of it;

AND WHEREAS Council of The Corporation of the City of Markham on April 28, 2009 authorized a by-law to levy the actual cost of construction of a sanitary sewer system in the Glenbourne and Glenridge Communities;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- 1. Glenbourne and Glenridge Communities is comprised of those properties as set out in Schedule "A" hereto. These properties shall hereinafter be referred to collectively as "Glenbourne and Glenridge Communities".
- 2. The actual cost of construction of the sanitary sewer system installed on Glenbourne and Glenridge Communities is \$559,070.79 (the "Actual Cost").
- 3. The Actual Cost be allocated as per Schedule "A" to each lot on Glenbourne and Glenridge Communities (the "Lot Cost") shall be \$8,222.00.
- 4. Each property owner on Glenbourne and Glenridge Communities shall pay the Lot Cost by making annual payments, comprised of principal and interest, as set out in Schedule "B" attached hereto. The payments shall be made in instalments as set by the final annual tax levy by-law until the Lot Cost is paid in full.
- 5. Interest shall be calculated and paid by each property owner on the outstanding principal amount at the rate of 5.1% annually.
- 6. Notwithstanding section 4 above, the outstanding balance, plus accrued interest up to the date of payment, may be paid at any time prior to December 31, 2022.
- 7. There shall be no interest payable if the Lot Cost is paid in full by April 30, 2013.
- 8. The Schedules attached hereto shall be and form part of this By-law.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS DAY OF , 2012.

Martha Pettit, Acting City Clerk	Frank Scarpitti, Mayor

## SCHEDULE "A" **TO BY-LAW 2012-**

No.	Address	Lot Cost
1	#4 Glenbourne Park Drive	\$8,222.00
2	#5 Glenbourne Park Drive	\$8,222.00
3	#6 Glenbourne Park Drive	\$8,222.00
4	#7 Glenbourne Park Drive	\$8,222.00
. 2	#8 Glenbourne Park Drive	\$8,222.00
6	#9 Glenbourne Park Drive	\$8,222.00
7	#10 Glenbourne Park Drive	\$8,222.00
8	#11 Glenbourne Park Drive	\$8,222.00
9	#12 Glenbourne Park Drive	\$8,222.00
10	#15 Glenbourne Park Drive	\$8,222.00
11	#17 Glenbourne Park Drive	\$8,222.00
12	#18 Glenbourne Park Drive	\$8,222.00
13	#19 Glenbourne Park Drive	\$8,222.00
14	#20 Glenbourne Park Drive	\$8,222.00
15	#21 Glenbourne Park Drive	\$8,222.00
16	#22 Glenbourne Park Drive	\$8,222.00
17	#23 Glenbourne Park Drive	\$8,222.00
18	#24 Glenbourne Park Drive	\$8,222.00
19	#25 Glenbourne Park Drive	\$8,222.00
20	#26 Glenbourne Park Drive	\$8,222.00
21	#27 Glenbourne Park Drive	\$8,222.00
22	#29 Glenbourne Park Drive	\$8,222.00
23	#31 Glenbourne Park Drive	\$8,222.00
24	#2 Scandia Court	\$8,222.00
25	#6 Scandia Court	\$8,222.00
26	#8 Scandia Court	\$8,222.00
27	#2 Glenhollow Court	\$8,222.00
28	#6 Glenhollow Court	\$8,222.00
29	#4 Glenmaple Court	\$8,222.00
30	#6 Glenmaple Court	\$8,222.00
31	#8 Glenmaple Court	\$8,222.00
32	#1 Glenridge Drive	\$8,222.00
33	#2 Glenridge Drive	\$8,222.00

34	#5 Glenridge Drive	\$8,222.00
35	#6 Glenridge Drive	\$8,222.00
36	#9 Glenridge Drive	\$8,222.00
37	#15 Glenridge Drive	\$8,222.00
38	#18 Glenridge Drive	\$8,222.00
39	#19 Glenridge Drive	\$8,222.00
40	#23 Glenridge Drive	\$8,222.00
41	#27 Glenridge Drive	\$8,222.00
42	#31 Glenridge Drive	\$8,222.00
43	#34 Glenridge Drive	\$8,222.00
44	#35 Glenridge Drive	\$8,222.00
45	#39 Glenridge Drive	\$8,222.00
46	#43 Glenridge Drive	\$8,222.00
47	#47 Glenridge Drive	\$8,222.00
48	#50 Glenridge Drive	\$8,222.00
49	#51 Glenridge Drive	\$8,222.00
50	#55 Glenridge Drive	\$8,222.00
51	#59 Glenridge Drive	\$8,222.00
52	#3 Walnut Glen Place	\$8,222.00
53	#6 Walnut Glen Place	\$8,222.00
54	#7 Walnut Glen Place	\$8,222.00
55	#10 Walnut Glen Place	\$8,222.00
56	#11 Walnut Glen Place	\$8,222.00
57	#14 Walnut Glen Place	\$8,222.00
58	#18 Walnut Glen Place	\$8,222.00
59	#19 Walnut Glen Place	\$8,222.00
60	#22 Walnut Glen Place	\$8,222.00
61	#23 Walnut Glen Place	\$8,222.00
62	#26 Walnut Glen Place	\$8,222.00
63	#27 Walnut Glen Place	\$8,222.00
64	#30 Walnut Glen Place	\$8,222.00
65	#31 Walnut Glen Place	\$8,222.00
66	#34 Walnut Glen Place	\$8,222.00
67	#35 Walnut Glen Place	\$8,222.00
68	#9563 Warden Avenue	\$8,222.00

## **SCHEDULE "B"**

## TO BY-LAW 2012 -

Address:

Glenbourne and Glenridge Communities

Roll Number:

Repayment:

Maximum of 10 years

Cost per Lot: \$8,222.00

Interest:

5.1%

Year	Principal	Interest	Payment	Total
2013	\$8,222.00	\$419.32	\$1,069.97	\$7,571.35
2014	\$7,571.35	\$386.14	\$1,069.97	\$6,887.52
2015	\$6,887.52	\$351.26	\$1,069.97	\$6,168.81
2016	\$6,168.81	\$314.61	\$1,069.97	\$5,413.45
2017	\$5,413.45	\$276.09	\$1,069.97	\$4,619.57
2018	\$4,619.57	\$235.60	\$1,069.97	\$3,785.20
2019	\$3,785.20	\$193.05	\$1,069.97	\$2,908.27
2020	\$2,908.27	\$148.32	\$1,069.97	\$1,986.63
2021	\$1,986.63	\$101.32	\$1,069.97	\$1,017.97
2023	\$1,017.97	\$51.92	\$1,069.97	-\$0.08
	Total	\$2,477.62	\$10,699.70	

## REQUEST FOR CONSTRUCTION OF SANITARY SEWERS

To:

The Council of The Corporation of the Town of Markham

From:

Property Owners of Glenbourne and Glenridge Communities (Group 2)

Re:

Expression of Interest to construct Forcemain Sanitary Sewers on

Glenbourne Park Drive, Scandia Court, Glenhollow Court, Glenmaple

Court, Glenridge Drive and Walnut Glen Place

We, being the owners in the Glenbourne and Glenridge Communities, request the Town of Markham to install municipal forcemain system on Glenbourne Park Drive, Scandia Court, Glenhollow Court, Glenmaple Court, Glenridge Drive and Walnut Glen Place to service our property. It is proposed to convert the servicing from our current private septic tank system to a public sanitary sewer system.

We understand that the residents will be required to pay the Town for the actual full cost of the design and construction of the public sanitary sewer collection system.

We further understand that the sewer installation by the Town will include providing a sanitary service connection up to the property line. Connection from the property line to the dwelling plumbing system will not be included in the Town works or cost provided to the owners. The property owners will need to arrange and pay for connection from the property line to the house at their own expense.

Please see the attached petition of owners requesting the sanitary sewer installation.

	Address	Name (Please Print)	Signature	Date of Signature
1	#4 Glenbourne Park Drive	THUMFLEY	1/f-ful	West 19/89
2	#5 Glenbourne Park Drive	PATER LAW	A STATE OF THE STA	May 3/09
3	#6 Glenbourne Park Drive	TOROURKE	OB/AL	map 2/09
4	#7 Glenbourne Park Drive		, , , , , , , , , , , , , , , , , , , ,	
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11	#17 Glenbourne Park Drive	JUNE HAISCHT	June Haiselt	May 2/09
12	#18 Glenbourne Park Drive			
13	#19 Glenbourne Park Drive	GREG LONOCHUE	tolls	May 2/07
14	#20 Glenbourne Park Drive	JIM Browne (	prose	May 2/09.
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19	#25 Glenbourne Park Drive	VINCE NACCARATED  GIL CASADOS	John	114y 12 2009

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20	#26 Glenbourne Park Drive	A. CARDOZO	My	MAY 3/ag	V
21	#27 Glenbourne Park Drive	PAUL BEER	RA	My 14/69	1
22	#29 Glenbourne Park Drive	J. WALTON	Halton	MAY 9/09	
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66	#34 Walnut Glen Place			
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68	#9563 Warden Avenue			
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	Address	Name (Please Print)	Signature	Date of Signature
1	#4 Glenbourne Park Drive			
2	#5 Glenbourne Park Drive			
3	#6 Glenbourne Park Drive			
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27	#2 Glenhollow Court			
28	#6 Glenhollow Court			,
29	#4 Glenmaple Court		\.	
30	#6 Glenmaple Court	MAN	K. Mclelland	Apr. 9 09
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43	#34 Glenridge Drive				
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